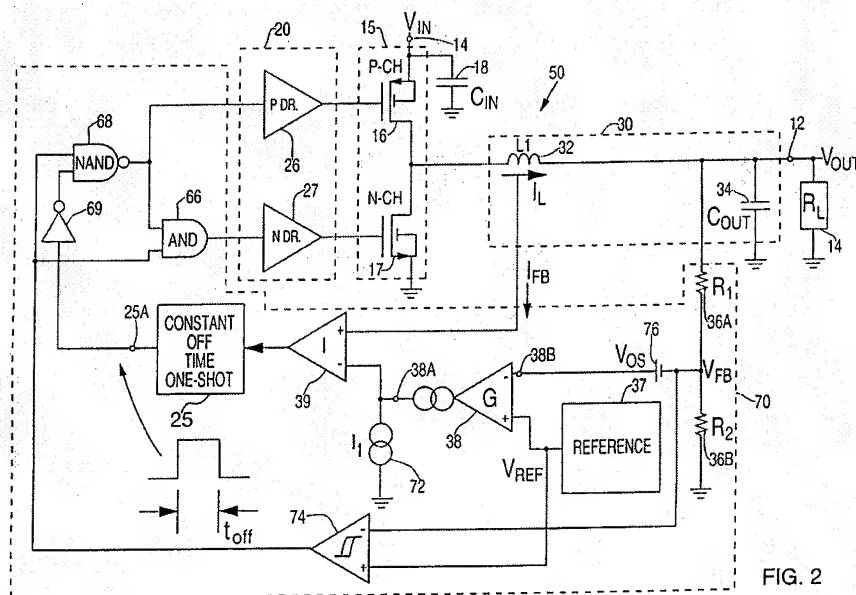


Remarks

The instant Office Action dated August 8, 2008 listed the following rejections and objections: claims 1-10 stand rejected under U.S.C. § 102(b) over Wilcox *et al.* (U.S. Patent No. 5,994,885). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the § 102(b) rejection of claims 1-10 because the cited portions of Wilcox do not correspond to the claimed invention which includes, for example, aspects directed to an additional current path that can be opened and closed and an inductor that provides energy from a power supply to a parallel arrangement of the additional current path and an output capacitor. The rejection relies upon the erroneous assertion that Wilcox's inductor L1 provides energy from supply voltage V_{IN} to a parallel arrangement of capacitor C_{OUT} and the path from the supply voltage V_{IN} to ground via switch 16¹ and resistors 36A and 36B. As is shown by Wilcox in Figure 2 reproduced below, inductor L1 does not provide energy from V_{IN} to a parallel arrangement of capacitor C_{OUT} and any path that includes switch 16. Instead, inductor L1 receives energy from the supply voltage V_{IN} via switch 16.



¹ Applicant assumes that the Office Action intended to refer to switch 16, as no switch 116 is present in Wilcox's Figure 2.

According to M.P.E.P. § 2131, in order to anticipate a claim, the elements of a prior art reference must be arranged as required by the claim. In this instance, the claimed invention requires that the inductor provide the energy from the power supply to a parallel arrangement of the output capacitor and the additional current path. Wilcox's inductor L1 (*i.e.*, the Office Action's alleged inductor) does not provide the energy from the supply voltage V_{IN} to a parallel arrangement of the capacitor C_{OUT} (*i.e.*, the Office Action's alleged output capacitor) and the path from the supply voltage V_{IN} to ground via switch 16 and resistors 36A and 36B. (*i.e.*, the Office Action's alleged additional current path). This is because the current path from switch 16 to resistors 36A and 36B necessarily includes inductor L1. Wilcox's switch 16, along with switch 17, is used to supply power from the supply voltage V_{IN} to load 14 (and capacitor C_{OUT}) via inductor L1. *See, e.g.*, Figure 2, Col. 3:56 to Col. 4:10, and Col. 4:48-56. The Office Action's alleged additional current path (*i.e.*, the path from the supply voltage V_{IN} to ground via switch 16 and resistors 36A and 36B) necessarily includes inductor L1. As such, Wilcox's inductor L1 cannot supply energy to a path that the inductor L1 itself is a part of.

Applicant notes that the cited portions of Wilcox do not teach that the resistor divider network 36A and 36B, which is arranged in parallel with the capacitor C_{OUT} , can be opened and closed and therefore cannot be used to show correspondence. Applicant further notes that the rejection presented in the instant Office Action, which erroneously relies upon Wilcox's power switches (*i.e.*, switch 16) of a switching regulator that provide power to inductor L1, is essentially the same as the rejection presented in the previous Office Action, which was erroneously based on Harris's power switches (*i.e.*, switch 23) of a DC-to-DC convertor that provide power to an inductor L_{OUT} . *See, e.g.*, pages 4 and 5 of the Response dated May 6, 2008.

Notwithstanding, in an effort to facilitate prosecution, Applicant has amended the claims to recite that the additional current path beings at an output of the inductor. As discussed above, the cited portions of the Wilcox reference do not teach that that the current path that beings at the output of inductor L_{OUT} (*i.e.*, the resistor divider network 36A and 36B) can be opened and closed. *See, e.g.*, Figure 1.

In view of the above, the § 102(b) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 102(b) rejection of claims 2-9 because the Office Action fails to address the various aspects of these claims. Specifically, the Office Action does not allege correspondence between these claims and any portion of Wilcox or any other reference. Applicant submits that the cited portions of the Wilcox reference do not correspond to numerous aspects of claims 2-9. As a first example, the cited portions of Wilcox do not teach that the path from the supply voltage V_{IN} to ground via switch 16 and resistors 36A and 36B includes a controllable current source (*see, e.g.*, claim 2). As a second example, the cited portions of Wilcox do not teach that the path from the supply voltage V_{IN} to ground via switch 16 and resistors 36A and 36B is opened for a predetermined time (*see, e.g.*, claim 8).

In view of the above, the § 102(b) rejection of claims 2-9 is improper and Applicant requests that it be withdrawn. Applicant notes that the previous Office Action (in which the rejection was based on the Harris reference) also failed to present any correspondence to dependent claims 2-9. *See, e.g.*, pages 5 and 6 of the Response dated May 6, 2008. Thus, should any rejection be maintained (or a new rejection presented), Applicant requests that the Examiner either allege correspondence to the dependent claims (as required) or indicate that these claims would be allowable if rewritten in independent form.

Applicant has added new claims 11-18, which depend from either claim 1 or claim 10. Applicant submits that new claims 11-18 are allowable over the cited references for at least the reasons discussed above. Applicant notes that support for claims 11-18 can be found throughout Applicant's disclosure including, for example, in Figures 2 and 3.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633 x2300
(NXPS.302PA)